

Received: 20 July 2016

1. **Vendor's Question:** NAICS 511210-Software Publishers with a size standard of \$38.5M. Do we need to register with any agency for this or show certification that we are compliant?

Government's Response: Because this is a 100% Small Business Set-Aside requirement, vendors are allowed to self-certify themselves on the System for Award Management (SAM) website at <https://www.sam.gov/portal/SAM/#1#1>. If you have not yet registered, please do so. Please be advised that per the solicitation, page 27 of 53, para (k), "a prospective awardee shall be registered in the SAM database prior to award, during performance and through final payment of any contract resulting from this solicitation." Once you have completed the registration, the self-certification can be viewed on the Reps & Certs link. Scroll down to FAR 52.219-1 Small Business Program Representations (Alternate I). Scroll down to para (c) Representations. Confirm that NAICS code 511210 for this solicitation is listed. If not, please add this NAICS code.
2. **Vendor's Question:** "Whether companies from Outside USA can apply for this?"
(like, from India or Canada)

Government's Response: Per the solicitation, FAR 52.225-1 Buy American—Supplies applies; in 52.225-1(d) it reads: "The contractor shall deliver only domestic end products except to the extent that is specified delivery of foreign end products in the provisions of the solicitation entitled "Buy American Certificate".
3. **Vendor's Question:** "Whether we need to come over there for meetings?"

Government's Response: Meetings will be held via teleconference.
4. **Vendor's Question:** "Can we perform the tasks (related to RFP) outside USA?"

Government's Response: This is a commodity procurement; there are no tasks to be performed.
5. **Vendor's Question:** "Can we submit the proposals via email?"

Government's Response: Yes, per the solicitation, page 28 of 53 provides Electronic Copy Instructions for submitting proposals via email.
6. **Vendor's Question:** "If we are self-certified to meet the Small Business requirement at the time of award, do we need to remain a Small Business throughout the term of the contract?"

Government's Response: You have to be a small business at time of award.
7. **Vendor's Question:** "I have been reviewing FAR 52.219-1 and reading related material that seems to suggest the small business size is determined at the time the Offeror submits initial bid on the solicitation.

Using the past three years of annual receipts to certify we are under the \$38.5M size standard when we submit our bid. But, our concern is if the small business determination is made at the time of award, there is some risk that our 2016 annual receipts may put us slightly over the \$38.5M. We would hate to go through the effort to bid and make it to the award then learn we don't qualify as a small business.

Will our small business determination be at the time of submitting our bid, or at the time of award?

Government's Response: An offeror must represent in good faith that it is a small business at the time of submitting an offer.